

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(Crl.).No. 11 of 2007(S)

PETITIONER:

**FRANCIS XAVIER K.T., AGED 45 YEARS,
S/O.THOMMI, RESIDING AT KUTTEZHATHU HOUSE,
VYTTILA KARA, TRIPUNITHURA VILLAGE,
ERNAKULAM.**

**BY ADV. SRI.GEO PAUL
SRI.SANU MATHEW
SRI.C.R.PRAMOD**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE S.I. OF POLICE, HILL PALACE
POLICE STATION, TRIPUNITHURA, ERNAKULAM.**
- 3. THE COMMISSIONER OF POLICE,
ERNAKULAM.**
- 4. MANOJ. T.C., THOTTITHARA HOUSE,
THEKKUMPURAM, TRIPUNITHURA, ERNAKULAM.**

**BY GOVERNMENT PLEADER SRI.P.A.SALIM
SRI.C.A.CHACKO FOR R4**

**THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD
ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl.)No.11 OF 2007

Dated 12th March, 2007

JUDGMENT

Koshy, J.

The alleged detenue was present. She stated that she was not under illegal custody, but, now she wants to go with her parents. In the circumstances, the alleged detenue is allowed to go with her parents.

The habeas corpus petition is allowed.

**J.B.KOSHY
JUDGE**

**T.R.RAMACHANDRAN NAIR
JUDGE**

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J.B.KOSHY & K.P.BALACHANDRAN, JJ.-----
W.P.(Crl.)No.11 OF 2007

Dated 18th January, 2007

ORDER**Koshy, J.**

The alleged detinue was present. According to her, she on her own volition went with the fourth respondent. However, no valid marriage under the Special Marriage Act is conducted so far. Therefore, even though she stated that she is not under illegal custody, she is an unmarried girl though she completed the age of 18. Fourth respondent has not even passed Pre-degree. In these circumstances, Senior Advocate Smt.Seemanthini undertook that she will be able to accommodate the girl in Santhi Nikethan near Lourdes Hospital, Chittoor road, Ernakulam for two weeks. The parents also stated that if necessary they will take initiative for conducting the marriage, but, they are particular that there should be legal marriage, because the girl went away with a stranger and also stated that they will pay the expenses to the hostel. Parents will be free to visit her during the time allowed by the hostel authorities.

Post on 6.2.2007.

MFA.15/2003

3

Issue a copy of this order to Senior
Adv.Smt.Seemanthini.

J . B . KOSHY
JUDGE

K . P . BALACHANDRAN
JUDGE

tk